

AMENDED IN SENATE JULY 19, 2007

AMENDED IN SENATE APRIL 17, 2007

**SENATE BILL**

**No. 254**

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**Introduced by Senator Ashburn**

February 14, 2007

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An act to amend Sections 1797.8, 1797.62, 1797.80, 1797.82, 1797.170, 1797.171, ~~1797.172~~, 1797.178, 1798.200, 1798.201, 1798.202, and 1799.112 of, and to add Section 1798.203 to, the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, Ashburn. Emergency medical services: licensure.

Under existing law, the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, the Emergency Medical Services Authority is responsible for establishing minimum standards and promulgating regulations for the training and scope of practice for emergency medical technicians-paramedic (EMT-P). Under existing law, these standards and regulations would be applicable to local governments, agencies, and other organizations that provide this training.

The act also provides for the certification of emergency medical technicians through the issuance of certificates, including EMT-I and EMT-II certificates, by local entities, known as local EMS agencies, which are designated by counties. Existing law also permits public safety agencies, for public safety personnel, and the State Board of Fire Services, for fire safety personnel, to issue EMT-I certificates. Existing law provides that the medical director of a local EMS agency or the Emergency Medical Services Authority may deny, suspend, or revoke

certificates issued under these provisions, or may place a certificate holder on probation, upon finding the occurrence of any of specified events.

This bill would revise and recast these provisions to, among other things, require, ~~on and after commencing January 1, 2009, 1, 2009, the authority to be responsible for establishing statewide standards for EMT-I's and EMT-II's and to require the authority and local EMS agencies to be the agency jointly responsible for the implementation and enforcement of statewide licensure and licensure renewal and discipline of EMT-I's and EMT-II's, pursuant to regulations adopted by the authority.~~ It would also require, ~~on and after commencing January 1, 2009, 1, 2009,~~ all applicants for EMT-I and EMT-II licensure to have a state and federal criminal history background check.

This bill would require the authority to develop and implement an alcohol and drug diversion program for EMT-I, EMT-II, and EMT-P ~~license holders~~ *licenseholders*.

The act requires all EMT-P employers to report in writing to the local EMS agency medical director and the authority whenever specified disciplinary actions are taken.

This bill would also require EMT-I and EMT-II employers to also make these reports. By increasing the duties of local officials, this bill would impose a ~~state-mandated~~ *state-mandated* local program.

*The bill would include provision of basic life support within the services which are prohibited unless the person or organization is within the EMS system, or a prescribed pilot program.*

*This bill would become operative January 1, 2009.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1797.8 of the Health and Safety Code is
- 2 amended to read:
- 3 1797.8. (a) For purposes of this section, ~~the following~~
- 4 ~~definitions apply:~~

1 (1) “EMT-I” means any person who has training and a valid  
2 license as prescribed by Section 1797.80.

3 (2) ~~“EMT licensing authority” means the Emergency Medical~~  
4 ~~Services Authority or “authority,” as defined in Section 1797.54.~~

5 (b) Any county may, at the discretion of the county or regional  
6 medical director of emergency medical services, develop a program  
7 to certify an EMT-I to administer naloxone hydrochloride by means  
8 other than intravenous injection.

9 (c) Any county that chooses to implement a program to certify  
10 an EMT-I to administer naloxone hydrochloride, as specified in  
11 subdivision (b), shall approve and administer a training and testing  
12 program leading to certification consistent with guidelines  
13 established by the state Emergency Medical Services Authority.

14 (d) On or before July 1, 2003, the state Emergency Medical  
15 Services Authority shall develop guidelines relating to the county  
16 certification programs authorized pursuant to subdivision (b).

17 (e) An EMT-I may be authorized by the entity certifying the  
18 EMT pursuant to subdivision (b) to administer naloxone  
19 hydrochloride by means other than intravenous injection only if  
20 the EMT-I has completed training and passed an examination  
21 administered or approved by the EMT certifying authority in the  
22 area.

23 (f) This section shall be operative only until the operative date  
24 of regulations that revise the regulations set forth in Chapter 3  
25 (commencing with Section 100101) of Division 9 of Title 22 of  
26 the California Code of Regulations and that authorize an EMT-I  
27 to receive EMT-II training in administering naloxone hydrochloride  
28 without having to complete the entire EMT-II certification course.

29 SEC. 2. Section 1797.62 of the Health and Safety Code is  
30 amended to read:

31 1797.62. “Certificate” or “license” means a specific document  
32 issued to an individual denoting competence in the named area of  
33 prehospital service.

34 SEC. 3. Section 1797.80 of the Health and Safety Code is  
35 amended to read:

36 1797.80. “Emergency Medical Technician-I” or “EMT-I” ~~or~~  
37 ~~“EMT-Basic”~~ means an individual trained in all facets of basic  
38 life support according to standards prescribed by this part and who  
39 has a valid license issued pursuant to this part.

SEC. 4. Section 1797.82 of the Health and Safety Code is amended to read:

1797.82. “Emergency Medical Technician-II” or “EMT-II” or “Advanced EMT” means an EMT-I with additional training in limited advanced life support according to standards prescribed by this part and who has a valid license issued pursuant to this part.

SEC. 5. Section 1797.170 of the Health and Safety Code is amended to read:

1797.170. (a) The authority shall establish minimum standards and promulgate regulations to include, but not be limited to, the training, scope of practice, testing, licensure, relicensure, *diversion*, and licensure disciplinary action for EMT-Is. *The regulations shall include, but not be limited to, all of the following:*

*(1) The duties of the local EMS agency in implementing and enforcing the licensing and discipline of EMT-I personnel.*

*(2) The conduct that would subject an EMT-I to discipline.*

*(3) The process for an appeal to the authority of local EMS agency licensing and disciplinary decisions.*

*(4) The role of the authority to hear appeals of local EMS agency decisions and to intervene when local enforcement is lacking or not in compliance with the regulations.*

*(5) The requirement that a revocation of an EMT-I license may be recommended by a local EMS agency, but is not effective until approved by the authority.*

*(6) Local EMS agency licensing and disciplinary reporting requirements, including, but not limited to, the requirement that the authority be notified within 30 days of every disciplinary action, and that the authority may, within 120 days, review and adjust the decision of the local EMS agency.*

(b) Any individual licensed as an EMT-I pursuant to this act shall be recognized as an EMT-I on a statewide ~~basis, and recertification~~ basis. An EMT-I shall complete a course of training on the nature of sudden infant death syndrome which is developed by the California SIDS program in the State Department of Public Health in consultation with experts in the field of sudden infant death syndrome.

(c) Notwithstanding any other provision of law, commencing January 1, 2009, the authority shall be the agency responsible for the statewide licensure and licensure renewal of EMT-Is who meet

1 the standards and are not precluded from licensure for any of the  
2 reasons listed in subdivision (c) of Section 1798.200.

3 (d) The authority shall be responsible for all of the following:

4 (1) Commencing January 1, 2009, all applicants for EMT-I  
5 licensure shall have a state and federal criminal background check  
6 completed through the Department of Justice and the Federal  
7 Bureau of Investigation, including subsequent arrest information.  
8 Each application for licensure or licensure renewal shall include  
9 a space *for* the applicant's social security number in order to  
10 establish the identity of the applicant. Each applicant shall submit  
11 his or her fingerprint image via live scan or other Department of  
12 Justice approved means for criminal background checks to the  
13 Department of Justice and for forwarding to the Federal Bureau  
14 of Investigation in order to determine whether the applicant has  
15 any criminal convictions in this state or any other jurisdiction,  
16 including foreign countries. When the authority or a licensing  
17 agent of the state authorized by the authority pursuant to  
18 subdivision (g), has been presented with credible evidence that a  
19 licensed EMT-I has a criminal history outside of this state  
20 subsequent to the EMT-I's initial background check, the authority,  
21 ~~or the authority authorized~~ *authority-authorized* licensing agent  
22 of the state, may require the EMT-I to submit his or her fingerprint  
23 image via live scan or other Department of Justice approved means  
24 for forwarding to the Federal Bureau of Investigation in order to  
25 determine whether the applicant has any criminal convictions in  
26 this state or any other jurisdiction, including foreign countries.  
27 The information obtained as a result of obtaining the applicant's  
28 social security number and the applicant's submission of his or  
29 her fingerprint image to the Department of Justice and for  
30 forwarding to the Federal Bureau of Investigation shall be used in  
31 accordance with Section 11105 of the Penal Code, and to determine  
32 whether the applicant is subject to denial of licensure or licensure  
33 renewal pursuant to this division.

34 (2) The establishment and maintenance of a *publicly accessible*  
35 state registry of all EMT-Is licensed in this state. *The registry shall*  
36 *include the EMT-I's full name, license number, the date of license*  
37 *issuance, and the status of the license.*

38 (3) Licensure disciplinary actions *shall be* taken by the authority  
39 against an EMT-I license or licenseholder pursuant to Section  
40 ~~1798.200~~ 1798.200. *Licensure disciplinary actions* shall be in

1 accordance with the Administrative Procedures Act (Chapter 3.5  
2 (commencing with Section 11340) of Part 1 of Division 3 of Title  
3 2 of the Government Code), to ensure the due process rights for  
4 all EMT-Is. *In a disciplinary action by the authority against an*  
5 *EMT-I, the authority shall consider all disciplinary action, if any,*  
6 *taken against the EMT-I by the employer.*

7 (e) The authority shall charge fees for the licensure and licensure  
8 renewal of EMT-Is in an amount sufficient to support the  
9 authority's licensure program at a level that ensures the  
10 qualification of the individual licensee license holder to provide  
11 quality care. Separate additional fees may be charged, at the option  
12 of the authority, for services that are not shared by all applicants  
13 for licensure and licensure renewal, including, but not limited to,  
14 any of the following services:

15 (1) Out-of-state training equivalency determination.

16 (2) Verification of continuing education for a lapse in licensure.

17 (3) Replacement of a lost licensure card.

18 (f) All fees shall be established in regulations, and fees charged  
19 for individual services shall be set so that the total fees charged to  
20 EMT-Is do not exceed the authority's actual total cost for the  
21 EMT-I licensure program. *The fees collected shall not exceed the*  
22 *total state and local cost of administering the licensing and*  
23 *disciplinary provisions for EMT-I personnel.*

24 (g) At the option of the authority, fees may be collected for the  
25 authority by an entity that contracts with the authority to provide  
26 any of the services associated with the EMT-I program. All fees  
27 collected for the authority in a calendar month by any entity  
28 designated by the authority pursuant to this section to collect fees  
29 for the authority shall be transmitted to the authority for deposit  
30 into the Emergency Medical Services Personnel Fund within 30  
31 calendar days following the last day of the calendar month in which  
32 the fees were received by the designated entity, unless the contract  
33 between the entity and the authority specifies a different timeframe.

34 (h) (1) *Notwithstanding any provision of law to the contrary,*  
35 *the authority and the local EMS agency shall have joint*  
36 *responsibility for enforcement of the licensing and disciplinary*  
37 *provisions for EMT-I personnel, pursuant to regulations adopted*  
38 *by the authority.*

39 (2) *A local EMS agency shall implement and enforce within its*  
40 *jurisdiction the licensing and disciplinary provisions for EMT-I*

1 *personnel as set forth in the regulations adopted by the authority,*  
2 *and the authority shall establish a process to equitably share*  
3 *EMT-I licensing fees with local EMS agencies.*

4 SEC. 6. Section 1797.171 of the Health and Safety Code is  
5 amended to read:

6 1797.171. (a) The authority shall develop, and after approval  
7 of the commission pursuant to Section 1799.50, shall adopt,  
8 minimum standards ~~for~~ *and promulgate regulations to include,*  
9 *but not be limited to,* the training, scope of practice, testing,  
10 licensure, relicensure, *diversion,* and licensure disciplinary action  
11 *for an EMT-II. The regulations shall include, but not be limited*  
12 *to, all of the following:*

13 (1) *The duties of the local EMS agency in implementing and*  
14 *enforcing the licensing and discipline of EMT-II personnel.*

15 (2) *The conduct that would subject an EMT-II to discipline.*

16 (3) *The process for an appeal to the authority of local EMS*  
17 *agency licensing and disciplinary decisions.*

18 (4) *The role of the authority to hear appeals of local EMS*  
19 *agency decisions and to intervene when local enforcement is*  
20 *lacking or not in compliance with the regulations.*

21 (5) *The requirement that a revocation of an EMT-II license may*  
22 *be recommended by a local EMS agency, but is not effective until*  
23 *approved by the authority.*

24 (6) *Local EMS agency licensing and disciplinary reporting*  
25 *requirements, including, but not limited to, the requirement that*  
26 *the authority be notified within 30 days of every disciplinary action,*  
27 *and that the authority may, within 120 days, review and adjust the*  
28 *decision of the local EMS agency.*

29 (b) An EMT-II shall complete a course of training on the nature  
30 of sudden infant death syndrome in accordance with subdivision  
31 (b) of Section 1797.170.

32 (c) The approval of the director, in consultation with a  
33 committee of local EMS medical directors named by the EMS  
34 Medical Directors Association of California, is required prior to  
35 implementation of any addition to a local optional scope of practice  
36 for EMT-IIs proposed by the medial director of *a* local EMS  
37 agency. No drug or procedure that is not ~~apart~~ *a part* of the basic  
38 EMT-P scope of practice, including, by not limited to, any  
39 approved local options, shall be added to ~~and~~ *an* EMT-II scope of  
40 practice pursuant to this subdivision.

(d) Notwithstanding any other provision of law, commencing January 1, 2009, the authority shall be the agency responsible for the licensure and licensure renewal of EMT-IIs who meet the standards and are not precluded from licensure because of any of the reasons listed in subdivision (c) of Section 1798.200.

(e) The authority shall be responsible for all of the following:

(1) Commencing January 1, 2009, all applicants for EMT-II licensure or licensure renewal shall have a state and federal criminal history background check completed through the Department of Justice and the Federal Bureau of Investigation, including subsequent arrest information. Each application for licensure or licensure renewal shall include a space for the applicant's social security number in order to establish the identity of the applicant. Each applicant shall submit his or her fingerprint image via live scan or other Department of Justice approved means for criminal background checks to the Department of Justice and for forwarding to the Federal Bureau of Investigation in order to determine whether the applicant has any criminal convictions in this state or any other jurisdiction, including foreign countries. When the authority, or a licensing agent of the state as authorized by the authority pursuant to subdivision (i), has been presented with credible evidence that a licensed EMT-II has a criminal history outside of this state subsequent to the EMT-IIs initial federal background check, the authority or the authority authorized licensing agent of the state may require the EMT-II to submit his or her fingerprint image via live scan or other Department of Justice approved means for forwarding to the Federal Bureau of Investigation in order to determine whether the applicant has any criminal convictions in this state or any other jurisdiction, including foreign countries. The information obtained as a result of obtaining the applicant's social security number and the applicant's submission of his or her fingerprint image to the Department of Justice and for forwarding to the Federal Bureau of Investigation shall be used in accordance with Section 11105 of the Penal Code in order to determine whether the EMT-II or EMT-II applicant is subject to denial of licensure or licensure renewal pursuant to this division.

(2) The establishment and maintenance of a *publicly accessible* state registry of all EMT-IIs licensed in California. *The registry*



1 *shall include the EMT-II's full name, license number, the date of*  
2 *license issuance, and the status of the license.*

3 (3) Licensure disciplinary actions *shall be* taken by the authority  
4 against an EMT-II license or licenseholder pursuant to Section  
5 ~~1798.200~~ 1798.200. *Licensure disciplinary actions* shall be in  
6 accordance with the Administrative Procedures Act (Chapter 3.5  
7 (commencing with Section 11340) of Part I of Division 3 of Title  
8 2 of the Government Code), to ensure the due process rights for  
9 all EMT-IIs. *In a disciplinary action by the authority against an*  
10 *EMT-II, the authority shall consider all disciplinary action, if any,*  
11 *taken against the EMT-II by the employer.*

12 (f) The authority shall charge fees for the licensure and licensure  
13 renewal of EMT-IIs in an amount sufficient to support the  
14 authority's licensure program at a level that ensures the  
15 qualification of the individual licenseholder to provide quality  
16 care. Separate additional fees may be charged, at the option of the  
17 authority, for services that are not shared by all applicants for  
18 licensure and licensure renewal, including, but not limited to, any  
19 of the following services:

20 (1) Out-of-state training equivalency determination.

21 (2) Verification of continuing education for a lapse in licensure.

22 (3) Replacement of a lost licensure card.

23 (g) All fees shall be established in regulations, and fees charged  
24 for individual services shall be set so that the total fees charged to  
25 EMT-IIs shall ~~do not~~ exceed the authority's actual total cost for  
26 the EMT-II licensure program, *including, but not limited to, the*  
27 *total state and local cost of administering the licensing and*  
28 *disciplinary provisions for EMT-II personnel.*

29 (h) At the option of the authority, fees may be collected for the  
30 authority by an entity that contracts with the authority to provide  
31 any of the services associated with the EMT-II program. All fees  
32 collected for the authority in a calendar month by any entity  
33 designated by the authority pursuant to this section to collect fees  
34 for the authority shall be transmitted to the authority for deposit  
35 into the Emergency Medical Services Personnel Fund within 30  
36 calendar days following the last day of the calendar month in which  
37 the fees were received by the designated entity, unless the contract  
38 between the entity and the authority specifies a different timeframe.

39 (i) (1) *Notwithstanding any provision of law to the contrary,*  
40 *the authority and the local EMS agency shall have joint*

1 *responsibility for enforcement of the licensing and disciplinary*  
2 *provisions for EMT-II personnel, pursuant to regulations adopted*  
3 *by the authority.*

4 (2) *A local EMS agency shall implement and enforce within its*  
5 *jurisdiction the licensing and disciplinary provisions for EMT-II*  
6 *personnel as set forth in the regulations adopted by the authority,*  
7 *and the authority shall establish a process to equitably share*  
8 *EMT-II licensing fees with local EMS agencies.*

9 SEC. 7. Section 1797.172 of the Health and Safety Code is  
10 amended to read:

11 1797.172. (a) The authority shall develop, and after the  
12 approval of the commission pursuant to Section 1799.50, shall  
13 adopt, minimum standards for the training and scope of practice  
14 for EMT-P.

15 (b) The approval of the director, in consultation with a  
16 committee of local EMS medical directors named by the EMS  
17 Medical Directors Association of California, is required prior to  
18 implementation of any addition to a local optional scope of practice  
19 for EMT-Ps proposed by the medical director of a local EMS  
20 agency.

21 (c) Notwithstanding any other provision of law, the authority  
22 shall be the agency solely responsible for licensure and licensure  
23 renewal of EMT-Ps who meet the standards and are not precluded  
24 from licensure because of any of the reasons listed in subdivision  
25 (d) of Section 1798.200. Each application for licensure or licensure  
26 renewal shall require the applicant's social security number in  
27 order to establish the identity of the applicant. Each applicant shall  
28 submit his or her fingerprint image via live scan or other  
29 Department of Justice approved means for obtaining criminal  
30 record checks to the Department of Justice and for forwarding to  
31 the Federal Bureau of Investigation in order to determine whether  
32 the applicant has any criminal convictions in this state or any other  
33 jurisdiction, including foreign countries. When the authority has  
34 been presented with credible evidence that a licensed paramedic  
35 has a criminal history outside of this state subsequent to the  
36 paramedic's initial federal background check, the authority may  
37 require the paramedic to submit his or her fingerprint image via  
38 live scan or other Department of Justice approved means for  
39 forwarding to the Federal Bureau of Investigation in order to  
40 determine whether the applicant has any criminal *arrests or*

convictions in this state or any other jurisdiction, including foreign countries. The information obtained as a result of obtaining the applicant's social security number and fingerprint card or cards shall be used in accordance with Section 11105 of the Penal Code, and to determine whether the applicant is subject to denial of licensure or licensure renewal pursuant to this division. A fingerprint card may not be required for licensure renewal upon determination by the authority that a fingerprint card was already obtained during initial licensure, or a previous licensure renewal, provided that the license has not lapsed and the applicant has resided continuously in the state since the initial licensure.

(d) The authority shall charge fees for the licensure and licensure renewal of EMT-Ps in an amount sufficient to support the authority's licensure program at a level that ensures the qualifications of the individuals licensed to provide quality care. Separate additional fees may be charged, at the option of the authority, for services that are not shared by all applicants for licensure and licensure renewal, including, but not limited to, any of the following services:

- (1) Competency testing.
- (2) Fingerprint and criminal record check.
- (3) Out-of-state training equivalency determination.
- (4) Verification of continuing education for a lapse in licensure.
- (5) Replacement of a lost licensure card.

(e) The fees charged for individual services shall be set so that the total fees charged to EMT-Ps shall not exceed the authority's actual total cost for the EMT-P licensure program.

(f) The authority may provide nonconfidential, nonpersonal information relating to EMS programs to interested persons upon request, and may establish and assess fees for the provision of this information. These fees shall not exceed the costs of providing the information.

(g) At the option of the authority, fees may be collected for the authority by an entity that contracts with the authority to provide any of the services associated with the EMT-P program. All fees collected for the authority in a calendar month by any entity designated by the authority pursuant to this section to collect fees for the authority shall be transmitted to the authority for deposit into the Emergency Medical Services Personnel Fund within 30 calendar days following the last day of the calendar month in which

1 the fees were received by the designated entity, unless the contract  
2 between the entity and the authority specifies a different timeframe.

3 *(h) The authority shall establish and maintain a publicly*  
4 *accessible registry of all EMT-Ps licensed in the state. The registry*  
5 *shall include the EMT-P's full name, license number, the date of*  
6 *license issuance, and the status of the license.*

7 *SEC. 8. Section 1797.178 of the Health and Safety Code is*  
8 *amended to read:*

9 1797.178. No person or organization shall provide *basic life*  
10 *support*, advanced life support, or limited advanced life support  
11 unless that person or organization is an authorized part of the  
12 emergency medical services system of the local EMS agency or  
13 of a pilot program operated pursuant to the Wedworth-Townsend  
14 Paramedic Act, Article 3 (commencing with Section 1480) of  
15 Chapter 2.5 of Division 2.

16 ~~SEC. 8~~

17 *SEC. 9. Section 1798.200 of the Health and Safety Code is*  
18 *amended to read:*

19 1798.200. (a) The authority may deny, suspend, or revoke any  
20 EMT-I, EMT-II, or EMT-P license issued under this division, or  
21 may place any EMT-I, EMT-II, or EMT-P licenseholder on  
22 probation, upon the finding by the authority of the occurrence of  
23 any of the actions listed in subdivision (c).

24 (b) Proceedings against the EMT-I, EMT-II, or EMT-P license  
25 or licenseholder shall be held in accordance with Chapter 5  
26 (commencing with Section 11500) of Part 1 of Division 3 of Title  
27 2 of the Government Code.

28 (c) Any of the following actions shall be considered evidence  
29 of a threat to the public health and safety and may result in the  
30 denial, suspension, or revocation of a certificate or license issued  
31 under this division, or in the placement on probation of a certificate  
32 or licenseholder under this division:

33 (1) Fraud in the procurement of any certificate or license under  
34 this division.

35 (2) Gross negligence.

36 (3) Repeated negligent acts.

37 (4) Incompetence.

38 (5) The commission of any fraudulent, dishonest, or corrupt act  
39 which is substantially related to the qualifications, functions, and  
40 duties of prehospital personnel.

1 (6) Conviction of any crime which is substantially related to  
2 the qualifications, functions, and duties of prehospital personnel.  
3 The record of conviction or a certified copy of the record shall be  
4 conclusive evidence of the conviction.

5 (7) Violating or attempting to violate directly or indirectly, or  
6 assisting in or abetting the violation of, or conspiring to violate,  
7 any provision of this division or the regulations adopted by the  
8 authority pertaining to prehospital personnel.

9 (8) Violating or attempting to violate any federal or state statute  
10 or regulation which regulates narcotics, dangerous drugs, or  
11 controlled substances.

12 (9) Addiction to the excessive use of, or the misuse of, alcoholic  
13 beverages, narcotics, dangerous drugs, or controlled substances.

14 (10) Functioning outside the supervision of medical control in  
15 the field care system operating at the local level, except as  
16 authorized by any other license or certification.

17 (11) Demonstration of irrational behavior or occurrence of a  
18 physical disability to the extent that a reasonable and prudent  
19 person would have reasonable cause to believe that the ability to  
20 perform the duties normally expected may be impaired.

21 (12) Unprofessional conduct exhibited by any of the following:

22 (A) The mistreatment or physical abuse of any patient resulting  
23 from force in excess of what a reasonable and prudent person  
24 trained and acting in a similar capacity while engaged in the  
25 performance of his or her duties would use if confronted with a  
26 similar circumstance. Nothing in this section shall be deemed to  
27 prohibit an EMT-I, EMT-II, or EMT-P from assisting a peace  
28 officer, or a peace officer who is acting in the dual capacity of  
29 peace officer and EMT-I, EMT-II, or EMT-P, from using that force  
30 that is reasonably necessary to effect a lawful arrest or detention.

31 (B) The failure to maintain confidentiality of patient medical  
32 information, except as disclosure is otherwise permitted or required  
33 by law in Sections 56 to 56.6, inclusive, of the Civil Code.

34 (C) The commission of any sexually related offense specified  
35 under Section 290 of the Penal Code.

36 ~~SEC. 9.~~

37 *SEC. 10.* Section 1798.201 of the Health and Safety Code is  
38 amended to read:

39 1798.201. (a) When information comes to the attention of the  
40 medical director of the local EMS agency that an EMT-I, EMT-II,

1 or EMT-P licenseholder has committed any act or omission that  
2 appears to constitute grounds for disciplinary action under this  
3 division, the medical director of the local EMS agency may  
4 evaluate the information to determine if there is reason to believe  
5 that disciplinary action may be necessary.

6 (b) If the medical director sends a recommendation to the  
7 authority for further investigation or discipline of the licenseholder,  
8 the recommendation shall include all documentary evidence  
9 collected by the medical director in evaluating whether or not to  
10 make that recommendation. The recommendation and  
11 accompanying evidence shall be deemed in the nature of an  
12 investigative communication and be protected by Section 6254 of  
13 the Government Code. In deciding what level of disciplinary action  
14 is appropriate in the case, the authority shall consult with the  
15 medical director of the local EMS agency.

16 ~~SEC. 10.~~

17 *SEC. 11.* Section 1798.202 of the Health and Safety Code is  
18 amended to read:

19 1798.202. (a) The director of the authority or the medical  
20 director of the local EMS agency, after consultation with the  
21 relevant employer, may temporarily suspend, prior to hearing, any  
22 EMT-I, EMT-II, or EMT-P license upon a determination that: (1)  
23 the licensee has engaged in acts or omissions that constitute  
24 grounds for revocation of the EMT-I, EMT-II, or EMT-P license;  
25 and (2) permitting the licensee to continue to engage in the licensed  
26 activity, or permitting the licensee to continue in the licensed  
27 activity without restriction, would present an imminent threat to  
28 the public health or safety. When the suspension is initiated by the  
29 local EMS agency, subdivision (b) shall apply. When the  
30 suspension is initiated by the director of the authority, subdivision  
31 (c) shall apply.

32 (b) The local EMS agency shall notify the licensee that his or  
33 her EMT-I, EMT-II, or EMT-P license is suspended and shall  
34 identify the reasons therefor. Within three working days of the  
35 initiation of the suspension by the local EMS agency, the agency  
36 shall transmit to the authority, via facsimile transmission or  
37 overnight mail, all documentary evidence collected by the local  
38 EMS agency relative to the decision to temporarily suspend. Within  
39 two working days of receipt of the local EMS agency's  
40 documentary evidence, the director of the authority shall determine

1 the need for the licensure action. Part of that determination shall  
2 include an evaluation of the need for continuance of the suspension  
3 during the licensure action review process. If the director of the  
4 authority determines that the temporary suspension order should  
5 not continue, the authority shall immediately notify the licensee  
6 that the temporary suspension is lifted. If the director of the  
7 authority determines that the temporary suspension order should  
8 continue, the authority shall immediately notify the licensee of the  
9 decision to continue the temporary suspension and shall, within  
10 15 calendar days of receipt of the EMS agency's documentary  
11 evidence, serve the licensee with a temporary suspension order  
12 and accusation pursuant to Chapter 5 (commencing with Section  
13 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

14 (c) The director of the authority shall initiate a temporary  
15 suspension with the filing of a temporary suspension order and  
16 accusation pursuant to Chapter 5 (commencing with Section 11500)  
17 of Part 1 of Division 3 of Title 2 of the Government Code and shall  
18 notify the director of the local EMS agency, and the relevant  
19 employer.

20 (d) If the licensee files a notice of defense, the hearing shall be  
21 held within 30 days of the authority's receipt of the notice of  
22 defense. The temporary suspension order shall be deemed vacated  
23 if the authority fails to make a final determination on the merits  
24 within 15 days after the administrative law judge renders the  
25 proposed decision.

26 ~~SEC. 11.~~

27 *SEC. 12.* Section 1798.203 is added to the Health and Safety  
28 Code, to read:

29 1798.203. The authority shall develop and implement an  
30 alcohol and drug diversion program for *an* EMT-I, EMT-II, and  
31 EMT-P licenseholder. *The director of the authority or the medical*  
32 *director of the local EMS agency, after consultation with the*  
33 *appropriate employer of a licensee and upon a determination that*  
34 *the licensee has engaged in acts or omissions that would constitute*  
35 *grounds for revocation of a license related to drug or alcohol*  
36 *abuse, shall consider, before taking any disciplinary action against*  
37 *a licensee, whether the licensee has participated in and successfully*  
38 *completed the alcohol and drug diversion program.*

1     ~~SEC. 12.~~

2     *SEC. 13.* Section 1799.112 of the Health and Safety Code is  
3 amended to read:

4     1799.112. (a) EMT-I, EMT-II, and EMT-P employers shall  
5 report in writing to the local EMS agency medical director and the  
6 authority and provide all supporting documentation within 30 days  
7 of whenever any of the following actions are taken:

8     (1) An EMT-I, EMT-II, or EMT-P is terminated or suspended  
9 for disciplinary cause or reason.

10    (2) An EMT-I, EMT-II, or EMT-P resigns following notice of  
11 an impending investigation based upon evidence indicating  
12 disciplinary cause or reason.

13    (3) An EMT-I, EMT-II, or EMT-P is removed from EMT-I,  
14 EMT-II, or paramedic duties respectively for disciplinary cause  
15 or reason following the completion of an internal investigation.

16    (b) The reporting requirements of subdivision (a) do not require  
17 or authorize the release of information or records of an EMT-I,  
18 EMT-II, or EMT-P who is also a peace officer protected by Section  
19 832.7 of the Penal Code.

20    (c) For purposes of this section, “disciplinary cause or reason”  
21 means only an action that is substantially related to the  
22 qualifications, functions, and duties of a respective EMT-I, EMT-II,  
23 or paramedic and is considered evidence of a threat to the public  
24 health and safety as identified in subdivision (c) of Section  
25 1798.200.

26    (d) Pursuant to subdivision (i) of Section 1798.24 of the Civil  
27 Code, upon notification to the EMT-I, EMT-II, or paramedic, the  
28 authority may share the results of its investigation into an EMT-I’s,  
29 EMT-II’s, or paramedic’s misconduct with the EMT-I’s, EMT-II’s,  
30 or paramedic’s employer, prospective employer when requested  
31 in writing as part of a preemployment background check, and the  
32 local EMS agency.

33    (e) The information reported or disclosed in this section shall  
34 be deemed in the nature of an investigative communication and is  
35 exempt from disclosure as a public record by subdivision (f) of  
36 Section 6254 of the Government Code.

37    (f) An EMT-I, EMT-II, or paramedic applicant or licensee to  
38 whom the information pertains may view the contents, as set forth  
39 in subdivision (a) of Section 1798.24 of the Civil Code, of a closed



1 investigation file upon request during the regular business hours  
2 of the authority.

3 ~~SEC. 13.~~

4 *SEC. 14.* This act shall become operative on January 1, 2009.

5 ~~SEC. 14.~~

6 *SEC. 15.* No reimbursement is required by this act pursuant to  
7 Section 6 of Article XIII B of the California Constitution because  
8 this act provides for offsetting savings to local agencies or school  
9 districts that result in no net costs to the local agencies or school  
10 districts, within the meaning of Section 17556 of the Government  
11 Code.